

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERRI CASILLAS,

Plaintiff,
-against-

07-CV-4082 (PKC)

RICHARD F. DAINES, as Commissioner of the
New York State Department of Health, and
ROBERT DOAR, as Commissioner of the
New York City Human Resources Administration,

NOTICE OF MOTION
FOR JUDGMENT ON
THE PLEADINGS

Defendants.

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PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, and the pleadings and prior proceedings herein, defendant Richard Daines, as Commissioner of the New York State Department of Health (“State Defendant”) by his attorney, Andrew M. Cuomo, Attorney General of the State of New York, will move this Court before the Honorable Kevin P. Castel, United States District Judge, on February 1, 2008, at the United States Court House, 500 Pearl Street, New York, New York, or as soon thereafter as counsel may be heard for an order for a judgment on the pleadings, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure dismissing the complaint against State defendant on the grounds that: a) the plaintiff does not have an enforceable right to the relief requested; and b) plaintiff has failed to state a cause of action against State defendant due to the fact that the promulgation and implementation of the regulation at issue is a reasonable construction of the federal Medicaid statute and does not violate the equal protection clause of the United States Constitution.

Pursuant to the Court’s order dated October 29, 2007, plaintiff’s opposition papers are due on or before January 21, 2008 and State defendant’s reply papers, if any, is due

on or before February 1, 2008.

Dated: New York, New York
December 18, 2007

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